

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

v.

Case No. 1:06M15 and 1:05CR63

**EDWARD TRACIE WOLFE,
Defendant.**

ORDER/OPINION

On April 3, 2006, came the United States by David Godwin, its Assistant United States Attorney, and Edward Tracie Wolfe, in person and by his counsel, Brian J. Kornbrath, for a preliminary hearing on the criminal complaint filed against him on March 27, 2006; for a hearing on the motion of the United States for detention of Defendant pending further proceedings; and for an initial hearing on a Petition for Action on Conditions of Pretrial Release filed on March 30, 2006.

After determining Edward Tracie Wolfe had received, read, and had the opportunity to review and discuss the charges contained in the criminal complaint with his counsel, the Court proceeded to hear evidence presented by the United States in the form of the sworn testimony of West Virginia State Police Trooper Andrew Shingler.

Upon consideration of the evidence presented and in accord with the oral findings made by the Court on the record of the hearing, the Court finds there is probable cause to believe that, on or about March 16, 2006, in Gilmer County, West Virginia, within the Northern District of West Virginia, Defendant, Edward Tracie Wolfe did, knowingly and intentionally distribute a controlled substance, to-wit: marihuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

It is therefore **ORDERED** that Edward Tracie Wolfe be bound over for proceedings before a Grand Jury attending the United States District Court for the Northern District of West Virginia.

Having found probable cause to believe that Defendant committed the offense with which he is charged in the Criminal Complaint, the undersigned also finds probable cause that Defendant violated his conditions of pretrial release as alleged in the Petition for Action on Conditions of Pretrial Release dated March 30, 2006, which is based on the same offenses.

It is therefore **ORDERED** that Edward Tracie Wolfe be bound over for further proceedings before Chief United States District Judge Irene M. Keeley relative to the Petition for Action on Conditions of Pretrial Release.

At the conclusion of the hearing, counsel for the United States asserted in open court that should the Chief United States District Judge release Defendant on the Petition for Action on Conditions of Pretrial Release, the United States would not seek to detain Defendant on the marijuana charge. The undersigned considers this assertion as a Motion to Withdraw the United States' Motion to Detain pending further proceedings on the Criminal Complaint. The undersigned **GRANTS** the United States' Motion to Withdraw the Motion to Detain on the Criminal Complaint.

Defendant is, however, ordered remanded to the custody of the United States Marshal Service pending further proceedings by the Chief United States District Judge regarding Defendant's alleged violation of his conditions of pretrial (post-plea) release.

The Clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Probation Officer.

DATED this 3 day of April, 2006.


JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE